IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23136 of 2004

Between:

1 E.Chinna Ramana S/o.Pedda Ramana
R/o.Vempalli, Kadapa District.
2 D.Gopal S/o.Peddavenkatappa
R/o.Vempalli, Kadapa District.

..... PETITIONERS

AND

1 The APSRTC Rep by its Vice Chairman and Managing Director, Musheerabad, Hyderabad.
2 The APSRTC Rep by its Regional Manager Kadapa Region, at Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent herein in deleting the names of the pettiioners from the selection list on the allegation of not reporting for duty without issuing any notice and without conducting any enquiry vide Proc.No.E2/86/684(1)/99-RM.C Kadapa, Dt.19.10.2002 issued to both the petitioners as illegal, unjust and arbitrary, contrary to the regulations of the corporation and as such liable to be set aside in the interest of justice with a consequential direction to continue the petitioners forthwith by payi8ng the wages for the period out of employment and to pass such other order or orders.

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 & 2: MR.P.VINAYAKA SWAMY

The Court at the stage of admission, made the following :

ORDER:

The petitioners are contending that they were appointed as Drivers in the respondent-Corporation in pursuance of a selection. After successful completion of training they were allotted duties in the year 1999. During the period of strike of the regular employees from 15.10.2001 to 07.11.2001, the petitioners were directed to report to duty, but due to lack of information they did not report to duty. Subsequently, when they reported to duty, they were informed that their names were deleted from the selection list without issuing charge sheet or show cause notice. The respondents passed an order on 19.10.2002 directing deletion of names of the petitioners from the approved list of selected candidates. Since the petitioners failed to report to duty to engage them as daily wage drivers, their names were deleted from the selection list. The petitioners, therefore, approached this Court through this writ petition, seeking a direction to the respondents to restore their names in the list of selected candidates and reinstate them into service.

It is an undisputed fact that the petitioners were selected on the basis of regular selection. Their services were being utilized as casual drivers as and when required. The impugned notice was issued to them on 19.10.2002, asking them to report to duty on 15.10.2001,

failing which their names will be deleted from the approved list of selected candidates. The petitioners contend that they did not receive that notice and later came to know that their names were deleted from the list of selected candidates. Under the similar circumstances, a Division Bench of this Court gave a Judgment on 29.08.2003 in Writ Appeal No.1259 of 2003, upholding the order of the learned Single Judge who held that it is not permissible for the Corporation to remove the name of the workman from the selected list, when the selection was made through a regularly constituted board. In the present case also, if the Corporation comes to a conclusion that non reporting to duty as required under notice dated 19.10.2002, amounts to dereliction of duty, the Corporation is at liberty to initiate action against the petitioner and after a detailed inquiry, may pass appropriate orders according to Rules, but, without giving any opportunity, removing the names of the petitioners from the list of selected candidates is against the principles of natural justice. The action of the respondents in removing the names of the petitioners from the list of selected candidates is arbitrary. Therefore, such action is liable to be corrected by directing the respondents to restore the names of the petitioners to the selection list.

In the light of the above circumstances, the action of the respondents in deleting the names of the petitioners from the list of selected candidates is quashed. The respondents are directed to restore the names of the petitioners into the list of selected candidates and continue to engage them as they used to be engaged previously till an action, if any, taken by the respondents for the absence of the petitioners in response to the said notice and the punishment, if any, going to be imposed.

With the above said observation, the writ petition is allowed. No order as to costs.

14.12.2004

bsv

To

1 The Vice-Chairman & Managing Director, APSRTC , Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC , Kadapa Region, Kadapa District.

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